

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the  
PENINSULA CORRIDOR JOINT POWERS  
BOARD for authority to construct a new  
pedestrian at-grade crossing at the Palo Alto  
Station, City of Palo Alto, Santa Clara County.

Application 05-01-024  
(Filed January 24, 2005)

**O P I N I O N****Summary**

This decision grants the request of the Peninsula Joint Powers Board (Caltrain) to construct an at-grade pedestrian crossing over its tracks in the Palo Alto Station in Santa Clara County. The new crossing will be identified as CPUC Crossing No. 105E-30.90-D.

**Discussion**

Caltrain requests authority to build a public at-grade pedestrian crossing across its tracks at milepost 30.90, in its Palo Alto Station. There are currently three grade-separated subway crossings existing at the Palo Alto Station. One of the subway crossings is equipped with stairs; the other two have ramps with steep grades and no landings, making them inappropriate for use by disabled individuals. The proposed pedestrian crossing is needed to fulfill the requirements of the Americans with Disabilities Act (ADA) of 1990, by providing a means for persons with disabilities to travel from one station platform to the other.

The proposed at-grade pedestrian crossing will be constructed on the far north end of the station to discourage usage by non-disabled individuals. Fencing will also be installed to channel all access into the station away from the proposed at-grade pedestrian crossing, and towards the existing grade separations.

The proposed at-grade pedestrian crossing will be approximately 10 feet wide and constructed of concrete panels. Two Commission Standard No. 9 warning devices (automatic gates and flashers as defined in Commission General Order 75-C), and two exit push-gates will be installed at the proposed pedestrian crossing. Appendix A contains a copy of the plans for the proposed at-grade pedestrian crossing.

Rail operations at the station consist of 86 Caltrain passenger trains per day that stop in the station and four Union Pacific Railroad (UPRR) freight trains that travel through the station at 50 MPH.

The proposed at-grade pedestrian crossing is intended to provide temporary service to individuals with disabilities. Caltrain proposes to construct a permanent ADA compliant grade-separated crossing at the station when funding becomes available. Therefore, the proposed at-grade pedestrian crossing shall remain in service for only two years. If additional time is needed, Caltrain may request an extension from the Commission, not to exceed two years.

Caltrain is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On January 7, 2005, Caltrain filed a Notice of Exemption with Santa Clara County for the proposed pedestrian crossing, under Statutory Exemption Section 21080 (b) (10) of the Public Resources Code, which states, “A

project for the institution or increase of passenger or commuter service on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.” Appendix B contains a copy of the Notice of Exemption.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15059(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We have reviewed the lead agency’s Notice of Exemption for the project and find that it is adequate for our decision-making purposes. Safety, transportation and noise are within the scope of the Commission’s permitting process. We believe Caltrain reasonably concluded that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(10) and we adopt that finding for purposes of our approval.

The Commission’s Rail Crossings Engineering Section (RCES) inspected the site and examined the need for, and safety of the crossing. RCES recommends that the requested authority sought by Caltrain be granted for a period of two years.

Application 05-01-024 meets the filing requirements of the Commission’s Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3147 dated February 10, 2005 and published in the Commission Daily Calendar on February 11, 2005 the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3147.

**Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on January 31, 2005. No protests have been filed.
2. Caltrain requests authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade pedestrian crossing across its tracks, to be identified as CPUC Crossing No. 105E-30.90-D.
3. The proposed pedestrian crossing will be the primary crossing point for persons with disabilities to travel from one station platform to the other.
4. Public convenience, safety and necessity require the construction of the crossing in Santa Clara County.
5. Public safety requires that the crossing be equipped with two Commission Standard No. 9 automatic gates with flashers, and two exit push-gates. Fencing

shall be installed to channel non-disabled patrons away from the proposed pedestrian crossing.

6. Rail operations at the station consist of 86 Caltrain passenger trains per day that stop in the station and four UPRR freight trains that travel through the station at 50 MPH.

7. Caltrain is the lead agency for this project under CEQA, as amended.

8. On January 7, 2005, Caltrain filed a Notice of Exemption for the proposed crossing.

9. The Commission is a responsible agency for this project, has reviewed Caltrain's environmental documents and finds them adequate for our decision-making purposes.

10. Safety, transportation and noise are within the scope of the Commission's permitting process.

11. Caltrain's environmental documentation states that since the project is the modernization of an existing station, it is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(10).

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. We find that Caltrain reasonably concluded the project is exempt from CEQA and we adopt that finding for purposes of this approval.
3. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The Peninsula Corridor Joint Powers Board (Caltrain) is authorized to construct a new at-grade pedestrian crossing to be used by individuals with

disabilities across its tracks at the location as shown on the plans attached to the application, identified as CPUC Crossing No. 105E-30.90-D.

2. The pedestrian crossing shall be equipped with two Commission Standard No. 9 warning devices (automatic gates with flashers as defined in Commission General Order 75-C) and two exit-only push-gates.

3. Fencing shall be installed to channel all access into the station away from the proposed at-grade pedestrian crossing, and towards the existing grade separations.

4. Appropriate signage shall be installed directing persons with disabilities to the crossing.

5. The proposed at-grade pedestrian crossing shall be in service for two years, unless the time of service, not to exceed two years, is extended by the Commission.

6. Caltrain shall comply with all applicable rules, including General Orders and Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD California Supplement.

7. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between Caltrain and the City of Palo Alto (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

8. Within 30 days after completion of this project, Caltrain shall notify the Commission's Rail Crossings Engineering Section in writing by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) that the authorized work is completed. The at-grade pedestrian crossing shall be in service for a period of two years, unless the time of service is extended by the Commission.

9. This authorization shall expire two years from the effective date of the decision unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

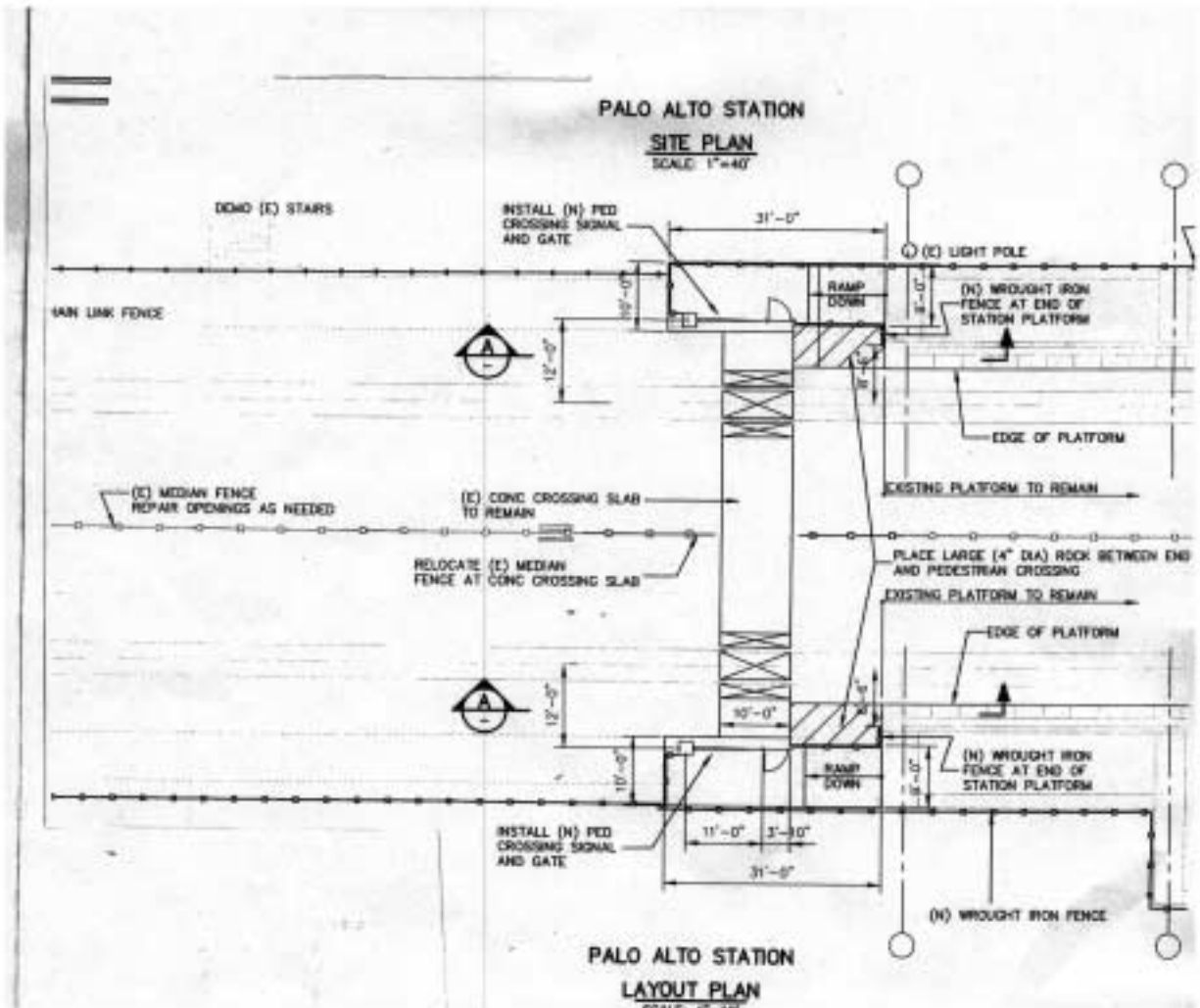
10. This application is granted as set forth above.

11. Application 05-01-024 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX A





## APPENDIX B

**E12167**

**Notice of Exemption**

**To:** County Clerk  
Santa Clara County

**From:** Peninsula Corridor Joint Powers Board  
1250 San Carlos Avenue  
San Carlos, CA 94070-1306

**Project Title:**  
Caltrain Palo Alto Station ADA At-Grade Crossing

**Project Location:**  
At the Palo Alto Caltrain Station, in Palo Alto, CA at the north end of the platform

**Project Description:**  
This project will provide an ADA compliant, at-grade pedestrian crossing at the Palo Alto Train Station. The crossing will include crossing arms, bells, lights, swing gates, minor demolition and fencing. The project is outside the boundaries of the Palo Alto Caltrain Station National Register of Historic Places nomination. This project will satisfy the FTA requirement for ADA access at this "key station".

**Name of Public Agency Approving and Carrying Out Project:**  
Peninsula Corridor Joint Powers Board

**Exemption Status:**  
Statutory Exemption Section 21080 (b) (10) of the Public Resources Code

**Reason Why Project is Exempt:**  
Section 21080 (b) This division does not apply to any of the following activities: 10) "A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities."

**Lead Agency Contact Person:**  
Erik Olafsson, Senior Planner (650) 508-8388

Signature: [Signature] Date: 1/6/05

**Date received for filing:**

**ENDORSED**  
JAN 07 2005  
BRENDA DAVIS, County Clerk-Recorder  
Santa Clara County  
By B. HORIUCHI Deputy

JAN 07 2005 FEB 06 2005  
POSTED ON \_\_\_\_\_ THROUGH \_\_\_\_\_  
IN THE OFFICE OF THE COUNTY CLERK & RECORDER  
BRENDA DAVIS, COUNTY CLERK  
BY B. HORIUCHI DEPUTY

**EXHIBIT F**

**Notice of Exemption**  
**Proposed Palo Alto Station Pedestrian Crossing**